

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2248 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
- 1 to 5 : No

MANHARBHAI BHIKHABHAI RANA

Versus

STATE OF GUJARAT

Appearance:

MR BP DALAL for Petitioner

Mr. K.P. Rawal, APP, for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 02/07/98

ORAL JUDGEMENT

Rule. Service of Rule is waived by learned Additional Public Prosecutor, Mr. K.P. Rawal for the respondent. By the consent of the learned advocates for the parties, this Criminal Misc. Application is taken up for final hearing.

The applicant, Manharbhai Bhikhabhai Rana, who has been arrested in connection with C.R. No.I-69/96 of Umreth Police Station for the offences punishable under

Sections 302, 306, 498A and 114 of the Indian Penal Code, has filed this application under Section 438, read with Section 437, of the Code of Criminal Procedure ("Code" for short), for enlarging him on bail.

The brief facts are as under:

The incident in question had taken place on March 19, 1996, wherein, the wife of the applicant, Vilasben, succumbed to the burn injuries. The complainant, father of the deceased Vilasben, had lodged first information report at Umreth Police Station against the applicant, his brother Arvindbhai Bhikhabhai Rana and Urmilaben Arvindbhai Rana, who is the wife of Arvindbhai Bhikhabhai Rana.

It must be stated that the brother of the applicant, Arvindbhai Bhikhabhai Rana and his wife Urmilaben Arvindbhai Rana, were released on bail by this Court in connection with the aforesaid offences.

Mr. B.P Dalal, learned advocate for the applicant, has vehemently submitted that, when the two co-accused, who stand on the same footing, have been released on bail by this Court, the applicant may also be released on bail on suitable terms and conditions. The submission of the learned advocate for the applicant is devoid of any merit. On going through the police papers and the evidence collected during evidence, it appears that the conduct of the applicant is such that he does not deserve to be released on bail. When the message that the deceased Vilasben had sustained burn injuries was conveyed to the father of the deceased Vilasben and when the father had reached the place of the applicant, he was attacked and beaten up. For that, a complaint came to be lodged by the father of the deceased Vilasben against the applicant. Thereafter, it appears that there was a compromise between the applicant and the father of the deceased Vilasben and the complaint was not proceeded further.

The police statement also reveals that after the deceased Vilasben had sustained burn injuries, she was not treated at any hospital. The statement of one Manjulaben also shows that there was harassment by the applicant and his sister-in-law. The statement further shows that the applicant used to beat her. The statement of one Umeshkumar Natwarlal Rana also reveals that, when he heard cries of the deceased Vilasben "save - save", he ran to the house of the applicant and he saw the deceased Vilasben was being set ablaze. The statement of this

witness further shows that, thereafter, a bucket of water was poured on the body of the deceased Vilasben. This witness had also stated that there used to be quarrel between the deceased Vilasben and Urmilaben. Because of instigation of the brother and the sister-in-law, the applicant used to beat the deceased Vilasben. The statement of Natwarlal also suggests that, after the deceased Vilasben sustained burn injuries, she was not taken to the hospital but she was treated at home. The statement recorded during the investigation shows that the deceased Vilasben was treated with cruelty by the applicant. The role of other co-accused, who have been released on bail by this Court, does not stand on the same footing. The statement of Kalidas Somchandra Rana also shows that the applicant used to quarrel with the deceased Vilasben and used to beat her. It shows that the deceased Vilasben tried to commit suicide due to cruelty meted by the applicant, his brother and sister-in-law. In my view, there is ample evidence on record to show prima facie that the applicant had committed offences punishable under Sections 306, 498A and 201 of the Indian Penal Code. Therefore, I do not find any merit in this application and the same deserves to be rejected.

As a result of foregoing discussion, this application is rejected. Rule is discharged.

(swamy)